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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|------------------|
| 10/748,958   | 12/30/2003  | Farhad Barzegar      | 1014-052 (2003-0010)            | 7884             |
| 26652  | 7590        | 06/22/2007           |                                 |                  |
| AT&T CORP.<br>ROOM 2A207<br>ONE AT&T WAY<br>BEDMINSTER, NJ 07921 |             |                      | EXAMINER<br>MOUTAOUAKIL, MOUNIR |                  |
|  |             |                      | ART UNIT                        | PAPER NUMBER     |
|  |             |                      | 2616                            |                  |
|  |             |                      | MAIL DATE                       | DELIVERY MODE    |
|  |             |                      | 06/22/2007                      | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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|                              |                                |                                 |  |
|------------------------------|--------------------------------|---------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/748,958  | Applicant(s)<br>BARZEGAR ET AL. |  |
|                              | Examiner<br>Mounir Moutaouakil | Art Unit<br>2616                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.  
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-20 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it is written using claim phraseology. Correction is required. See MPEP § 608.01(b).
3. The specification is objected to because of the following informalities:  
The summary section of the specification utilizes claim phraseology.  
Appropriate correction is required.
4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Double Patenting***

5. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

6. Claims 1, 19 and 20 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1, 19, and 20 of copending Application No. 10/748959. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 6, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hjartarson et al (WO 01/17219 A1). Hereinafter referred to as Hjartarson.

Regarding claim 1, 19, and 20, Hjartarson discloses a telecommunication method. The method comprises receiving, at a subscriber interface line card, an analog signal from a POTS subscriber loop circuit (see page 5, lines 1-12. The method includes an analog front end for coupling the line card to a telephone or POTS); quantizing analog signal into a plurality of digital samples (see page 5, lines 1-12. The method includes a digitizer for digitizing the received voice signal); encoding, via high-quality audio codec instruction running on a digital signal processor installed on the subscriber interface line card, the plurality of digital samples (see page 5, lines 1-12. the interface line card includes a packetizer for packetising the digitized voice signals and a controller

for controlling the destination of the voice signals); converting, via conversion instructions running on the digital signal processor, the encoded plurality of digital samples into a plurality of VoATM packets (see figure 3, element 46. the interface line card converts the packets into VoATM packets).

Regarding claim 6. Hjartarson discloses a method where encoding encodes multiple channel audio (see page 5, lines 1-12. the system packetizes multiple voice signals to be transmitted to a voice network or a data network).

***Claim Rejections - 35 USC § 103***

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hjartarson.

Regarding claim 2 and 3. Hjartarson discloses all the limitations of claim 1.

Hjartarson does not disclose that the high quality codec instructions are compatible with ITU G and especially G.722. However, the background of Hjartarson recommends the codec instructions to be compatible with the ITU G.168 or similar standards, such as G.722. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to modify the codec instructions of Hjartarson's method to be compatible with the ITU G or G.722. The motivation for modifying the Hjartarson's method to be compatible with the ITU G or G.722 being that it will offer lower bit-rate compressions, as well as the ability to quickly adapt to varying compressions as the network topography mutates. Moreover, the modification will offer a significant improvement in speech quality over popular codecs.

12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hjartarson in view of Thumpudi et al (US 2005/0015259).

Hjartarson discloses all the limitations of claim 1.

Hjartarson does not disclose a codec compatible with Dolby Digital AC-3. However, Thumpudi discloses a technique where Dolby digital AC-3 codec is employed to enhance the quality of sounds (see figure 2, element 200 and see page 1 paragraph [014]). Thus, it would have obvious to the person of ordinary skill in the art at the time the invention was made to modify the codec of Hjartarson's method to be compatible with Dolby Digital AC-3. The motivation for making the codec of Hjartarson's method

compatible with Dolby Digital AC-3 being that it will compress audio signals to produce a Dolby Digital sound and enhance the quality of the communication.

13. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hjartarson in view of Hashimoto et al (US 2002/0038158). Hereinafter referred to as Hashimoto.

Hjartarson discloses all the limitations of claim 1.

Hjartarson does not disclose a codec compatible with Digital Theater System. However, Hashimoto discloses a signal processing method that employs DTS audio codec (see paragraphs 004, and 122). Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to modify the codec disclosed in Hjartarson's method to be compatible with the DTS codec as taught by Hashimoto. The motivation for making the codec of Hjartarson's method compatible with DTS codec being that it is a representation of compression systems of audio data and linear PCM; moreover, it will provide a high quality audio and enhance telecommunication services.

14. Claims 7-18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hjartarson in view of Blomfield-brown et al (US 6,292,840). Hereinafter referred to as Blomfield-brown.

Regarding claims 7-13. Hjartarson discloses all the limitations of claim 1.

Hjartarson does not disclose the possibility or the necessity to automatically substitute codec instructions for the high-quality audio codec instructions when the far-end CPE does not have high-quality audio codec capability. However, Blomfield-brown

discloses a method of substituting codecs whenever a proper compression scheme is necessitated by the system (see column 7, line 56 - column 8, line 2). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement the method of negotiating codecs as taught by Blomfield-brown into the telecommunication system of Hjartarson. The motivation for combining the method of negotiating codecs as necessitated by the system and the telecommunication system of Hjartarson being that it will provide a high quality of service, improve the compression/decompression format and reduce latency.

Regarding claim 14-18. Hjartarson discloses all the limitations of claim 1.

Hjartarson does not disclose a method of signaling between the subscriber interface line card and a far-end subscriber interface line card and exchanging capability information with a far end subscriber interface line card or CPE. However, Blomfield-brown discloses a method of substituting codecs whenever a proper compression scheme is necessitated by the system (see column 7, line 47 - column 8, line 2). Blomfield-brown's system allows the SLIC to send compression format requests until the remote application accepts a compression format request. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement the system of negotiating codecs format as taught by Blomfield-brown into the telecommunication system of Hjartarson. The motivation for implementing the method of negotiating codec formats between the SLIC and CPE, as taught by Blomfield-brown, into the telecommunication system of Hjartarson being that it will provide a high quality of service, improve the compression/decompression format, and reduce the latency.



**Conclusion**

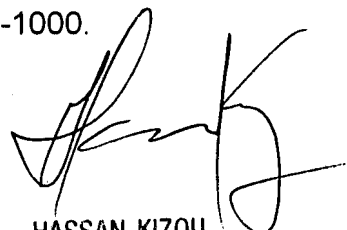
15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mounir Moutaouakil whose telephone number is 571-270-1416. The examiner can normally be reached on Monday-Thursday (4pm-4:30pm) eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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